



Rep. Jonathan Carroll

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10100SB0241ham001

LRB101 06224 CPF 59054 a

1 AMENDMENT TO SENATE BILL 241

2 AMENDMENT NO. _____. Amend Senate Bill 241 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 17.2 as follows:

6 (410 ILCS 620/17.2 new)

7 Sec. 17.2. Cosmetic testing on animals.

8 (a) In this Section:

9 "Animal test" means the internal or external
10 application of a cosmetic, either in its final form or any
11 ingredient thereof, to the skin, eyes, or other body part
12 of a live, nonhuman vertebrate.

13 "Cosmetic" has the meaning provided in Section 2 of
14 this Act.

15 "Ingredient" means any component of a cosmetic product
16 as defined by Section 700.3 of Title 21 of the Code of

1 Federal Regulations.

2 "Manufacturer" means any person whose name appears on
3 the label of a cosmetic in package form under Section
4 701.12 of Title 21 of the Code of Federal Regulations.

5 "Supplier" means any entity that supplies, directly or
6 through a third party, any ingredient used in the
7 formulation of a manufacturer's cosmetic.

8 (b) Notwithstanding any other law, it is unlawful for a
9 manufacturer to import for profit, sell, or offer for sale in
10 this State any cosmetic, if the cosmetic was developed or
11 manufactured using an animal test that was conducted or
12 contracted by the manufacturer, or any supplier of the
13 manufacturer, on or after January 1, 2020.

14 (c) The prohibitions in subsection (b) do not apply to the
15 following:

16 (1) An animal test of any cosmetic that is required by
17 a federal or State regulatory authority, if each of the
18 following apply:

19 (A) an ingredient is in wide use and cannot be
20 replaced by another ingredient capable of performing a
21 similar function;

22 (B) a specific human health problem is
23 substantiated and the need to conduct animal tests is
24 justified and supported by a detailed research
25 protocol proposed as the basis for the evaluation; and

26 (C) there is not a nonanimal alternative method

1 accepted for the relevant endpoint by the relevant
2 federal or State regulatory authority.

3 (2) An animal test that was conducted to comply with a
4 requirement of a foreign regulatory authority, if no
5 evidence derived from the test was relied upon to
6 substantiate the safety of the cosmetic being sold in
7 Illinois by the manufacturer.

8 (3) An animal test that was conducted on any product or
9 ingredient subject to the requirements of Subchapter V of
10 the Federal Food, Drug, and Cosmetic Act.

11 (4) An animal test that was conducted for noncosmetic
12 purposes in response to a requirement of a federal, State,
13 or foreign regulatory authority, if no evidence derived
14 from the test was relied upon to substantiate the safety of
15 the cosmetic sold in Illinois by the manufacturer. A
16 manufacturer is not prohibited from reviewing, assessing,
17 or retaining evidence from an animal test conducted under
18 this paragraph.

19 (d) A violation of this Section shall be punishable by an
20 initial civil penalty of \$5,000 for the first day of each
21 violation and an additional civil penalty of \$1,000 for each
22 day the violation continues.

23 (e) A violation of this Section may be enforced by the
24 State's Attorney of the county in which the violation occurred.
25 The civil penalty shall be paid to the entity that is
26 authorized to bring the action.

1 (f) A State's Attorney may, upon a determination that there
2 is a reasonable likelihood of a violation of this Section,
3 review the testing data upon which a cosmetic manufacturer has
4 relied in the development or manufacturing of the relevant
5 cosmetic product sold in this State. Information provided under
6 this Section shall be protected as a trade secret as defined in
7 Section 2 of the Illinois Trade Secrets Act. In an action under
8 this Section, a court shall preserve the secrecy of an alleged
9 trade secret by reasonable means, which may include granting
10 protective orders in connection with discovery proceedings,
11 holding in-camera hearings, sealing the records of the action,
12 and ordering any person involved in the litigation not to
13 disclose an alleged trade secret without prior court approval.
14 Consistent with the procedures described in this subsection, a
15 State's Attorney shall enter a protective order with a
16 manufacturer before receipt of information from a manufacturer
17 under this Section, and shall take other appropriate measures
18 necessary to preserve the confidentiality of information
19 provided under this Section.

20 (g) This Section does not apply to animal testing conducted
21 on an ingredient or cosmetic in its final form if the testing
22 took place prior to the effective date of this amendatory Act
23 of the 101st General Assembly.

24 (h) Notwithstanding any other provision of this Section,
25 cosmetic inventory in violation of this Section may be sold for
26 a period of 180 days.

1 (i) A home rule unit may not regulate the testing of
2 cosmetics on animals in a manner inconsistent with the
3 regulation by the State of the testing of cosmetics on animals
4 under this Section. This subsection is a limitation under
5 subsection (i) of Section 6 of Article VII of the Illinois
6 Constitution on the concurrent exercise by home rule units of
7 powers and functions exercised by the State.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".